



2LVR Forbes

Broadcasting advertisements

The complaint

The ABA received two complaints from the same source alleging that the licensee of 2LVR, Lachlan Valley Community Radio Inc. had breached paragraph 9(1)(b) of Schedule 2 to the Broadcasting Services Act by broadcasting advertisements in the following instances:

- an interview with Col Elliot and Alan Caswell during the program *The Brekky Show* broadcast on Monday 19 August 2002 and
- in the program *Over the Fence* syndicated from commercial radio broadcaster, Radio 2UE and broadcast on Sunday 18 August 2002 and Sunday 1 September 2002.

This investigation excluded one of the broadcasts nominated by the complainants as one of the relevant audio tapes was not available.

Decision

The ABA determined that on 18 and 19 August and 1 September 2002, Lachlan Valley Community Radio Inc. breached paragraph 9(1)(b) of Schedule 2 to the Act because it had broadcast advertisements.

Action taken

In view of the steps implemented by the licensee, in particular the cessation of the broadcasting of the program *Over the Fence* and, in view of the recent amendment to the legislation, the ABA proposes no further action against the licensee on this occasion.

The ABA will, however, monitor the licensee's compliance with its licence conditions.

7RGY Huon, TasmanFM Nubeena and EdgeFM Hobart

Broadcasting advertisements

The complaint

The complaint alleged that on 24 August 2002 the following licensees broadcast sponsorship announcements in excess of five minutes in the first hour of *The Footy Show*:

- 7RGY, a community radio service
- Tasman FM, a temporary community radio service and
- Edge FM, a temporary community radio service.

At the time the complaint was made, the complainant was an aspirant for the South Hobart community licence.

Decision

The ABA determined that on 24 August 2002:

- the licensee of 7RGY, Radio Geeveston Youth

Inc breached paragraph 9(1)(b) of Schedule 2 to the Broadcasting Services Act by broadcasting more than five minutes of sponsorship announcements between 10 a.m. and 11 a.m. and

- the temporary community broadcasting licensees, Tasman FM, Tasman Community Broadcasters Association Inc. and Edge FM, Tasmania University Broadcasters Inc. breached paragraph 9(1)(b) of Schedule 2 to the Act by broadcasting advertisements during *The Footy Show*.

Action taken

The ABA notes that the amendments to the Broadcasting Services Act which commenced on 30 December 2002 are relevant to this matter.

In view of the steps implemented by the licensees and in view of the recent amendment to the legislation, the ABA proposes no further action against the licensees on this occasion.

The ABA will, however, monitor each of the licensee's compliance with its licence conditions.



Investigation reports : breach findings

To view the full report on these investigations, go to the ABA web site:

www.aba.gov.au/tv/investigations/breach_findings/ or

www.aba.gov.au/radio/investigations/breach_findings/

where the reports are arranged according to month of completion.